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**HOUSE CHAIRS BETTY MCCOLLUM, FRANK PALLONE, JR, AND ELIJAH CUMMINGS URGED TO INVESTIGATE EVIDENCE OF U.S. EPA  
 “BREAKDOWN OF OVERSIGHT” OF PROPOSED POLYMET COPPER-NICKEL MINE IN MINNESOTA**

***Citing Recently Obtained MPCA documents, WaterLegacy Requests Congressional Assistance to Secure Release of  
 Suppressed EPA Comments on Water Pollution Permit***

**ST. PAUL, MINN., January 15, 2019** – House Chairs Betty McCollum, Frank Pallone, Jr., and Elijah Cummings were urged today by Minnesota environmental group WaterLegacy to investigate new evidence that the U.S. Environmental Protection Agency (EPA) suppressed staff comments and failed to fulfill its oversight duties related to Minnesota’s controversial PolyMet NorthMet copper-nickel mine.

Citing documents recently obtained by WaterLegacy under Minnesota’s Data Practices Act, WaterLegacy Advocacy Director and Counsel, Paula Maccabee stated, “It seems that EPA regional staff prepared written comments on the draft PolyMet water pollution permit and *wanted* to share them with state regulators, but were directed to suppress their comments. We’re now asking that Congressional leaders get to the bottom of this mess and protect Minnesota’s clean water and public health.”

“EPA scrutiny is essential to make sure that large industrial projects control their toxic water pollution,” added Maccabee. “In the case of Minnesota’s controversial PolyMet sulfide mine, there has been a complete breakdown of EPA’s vital oversight role. “

In a letter delivered today by WaterLegacy, three House Committee Chairs: Cong. Betty McCollum (Interior, Environment, and Related Agencies Subcommittee), Cong. Frank Pallone, Jr. (Energy and Commerce Committee) and Cong. Elijah E. Cummings (Oversight and Reform Committee) – were asked to probe the breakdown of EPA’s oversight role mandated under the Clean Water Act to ensure that waters of the United States are protected from pollution. The House Committee Chairs were asked to investigate why EPA Region 5 staff were never allowed to release their written comments on the PolyMet draft water pollution (NPDES) permit and why their criticisms were, instead, read over the phone, leaving no public record.

WaterLegacy’s letter also requests that Cong. McCollum, Pallone and Cummings secure for the public copies of all EPA comments on the PolyMet water pollution (NPDES) permit and ask that Minnesota officials wait to take any action on PolyMet’s water pollution permit until EPA’s hidden comments are released and made publicly available.

“It is possible that the NorthMet project water pollution permit is an isolated example of the EPA’s failure to fulfill its oversight role under the Clean Water Act and put its comments in the public record,” states WaterLegacy’s letter to Cong. McCollum, Pallone and Cummings. “If so, it is still an important case, threatening toxic pollution of the headwaters to the largest U.S. tributary to Lake Superior and neurological harm to downstream infants and children as a result of increased mercury contamination of fish.

“But it is also possible that our experience in Minnesota is part of a larger pattern,” added Maccabee, “where EPA regional staff has been constrained or directed to withhold written comments from states and from the public or otherwise hamstrung in their ability to ensure compliance with federal environmental laws.”

The PolyMet NorthMet project would be Minnesota’s first copper-nickel mine. Scientists believe the mine would be a permanent source of polluted seepage in the headwaters of the St. Louis River, that collected wastewater at the mine and tailings sites would require hundreds

of years of treatment to comply with water quality standards, and that the mine project would increase toxic mercury contamination of fish, affecting the health of infants and children in downstream communities in the St. Louis River, the largest U.S. tributary to Lake Superior.

Although requests to the EPA under the Freedom of Information Act (FOIA) were stonewalled, documents secured by WaterLegacy under Minnesota's Data Practices Act have been provided to the House Committee Chairs to assist in their investigation.

A copy of WaterLegacy's letter to the House Committee Chairs is available on request to [pmaccabee@justchangelaw.com](mailto:pmaccabee@justchangelaw.com). Information on WaterLegacy and the PolyMet NorthMet mine is available at [www.waterlegacy.org](http://www.waterlegacy.org) [[waterlegacy.org](http://www.waterlegacy.org)].